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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,932	08/29/2001	Tamichi Otsu	100809-16277 (SCEY 18,963	8950
26304	7590	12/30/2005	EXAMINER DOAN, DUYEN MY	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			ART UNIT 2143	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,932	OTSU, TAMICHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duyen M. Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

***Claims 1-32 are presented for examination.***

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8, 9-11, 13-19, 21-27, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling (us pat 6,845,361) in view of Sashihara (us pat 6,449,357).

**As regarding claim 1**, Dowling discloses sending information from a server machine to a client terminal device whenever accessed by a user via such client terminal device (see col.7, lines 1-58; col.8, lines 1-34; col.11, lines 46-52; col.12, lines 1-34) the information expressing at an order in the queue of the user in relation to such total number of other users at the point of time when the access occurred (see col.7, lines 1-58; col.8, lines 1-34, the position of user in the queue); and displaying on the client terminal device the received total number of other users and the order in the

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queue of the user in relation to such total number in a graphical or text style (see col.7, lines 1-58; col.8, lines 1-34; col.11, lines 46-52; col.12, lines 1-34).

Dowling does not expressly disclose least a total number of other users accessed earlier than the user.

Sashihara teaches total number of other users accessed earlier than the user (col.4, lines 12-23; col.5, lines 36-39).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Sashihara to the method of Dowling to express the total number of users was waiting in front of the user, because by expressing this information would improved customer care by enabling customers to wait their turn in line for access to a resource while at the same time being free to go about their own business (see Dowling col.3, lines 15-18).

**As regarding claim 2**, Dowling-Sashihara discloses incrementing the order in the queue of the user each time a predetermined processing is completed for one of other users, and sending to the client terminal device information expressing a new total number of other users and an incremented order in the queue of the user in relation to such new total number of other users whenever the increment occurred (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34); and displaying on the client terminal device the received new total number and the incremented order in the queue of the user in relation to such new total number in a graphical or text style to thereby update the display (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34).

**As regarding claim 3**, Dowling-Sashihara discloses displaying on the client terminal device the order in the queue of the user in relation to the total number of other users in a specific display mode (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34).

**As regarding claim 5**, Dowling-Sashihara discloses sending from the server machine to the client terminal device roll-call time information used for roll-call processing responsible for confirming a will of staying in the queue (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34, notify the user that the wait time is up and the user would like to stay in the queue); executing on the server machine the roll-call processing for confirming a will of staying in the queue of the user based on the roll-call time information sent to the client terminal device (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34, notify the user that the wait time is up and the user would like to stay in the queue); and executing on the client terminal device a responding processing for expressing the will of staying in the queue to the server machine based on the roll-call time information received from the server machine (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34, notify the user that the wait time is up and the user would like to stay in the queue).

**As regarding claim 6**, Dowling-Sashihara discloses sending from the server machine to the client terminal device termination time information for expressing a termination time of the waiting (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34); executing on the client terminal

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device a responding processing to the server machine in order to issue a send request for target information within a predetermined time period from a termination time specified by the termination time information received from the server machine (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34); and executing on the server machine a wait termination processing for sending the target information to the client terminal device when the send request was issued by the client terminal device within a predetermined time period from a termination time specified by the terminal time information sent to the client terminal device (see Dowling col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34).

**As regarding claim 7**, Dowling-Sashihara discloses deleting a right for the waiting when the responding processing was not executed (see Dowling col.5, lines 25-26; col.7, lines 1-58; col.8, lines 1-34; col.10, lines 38-54; col.11, lines 46-52; col.12, lines 1-34).

**As regarding claim 8**, Dowling disclosed a method of managing the virtual wait queue and enable the users to wait their turn in line for access to a resource while at the same time being free to go about their own business (see Dowling col.3, lines 15-18). Examiner takes Official Notice (see MPEP § 2144.03) that "display the advertisement or the chat space" in a computer networking environment was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a

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challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

**As regarding claims 9-11, 13-19, 21-27, 29-32,** the limitations are similar to claims 1-3, 5-8 therefore rejected for the same rationale as claims 1-3, 5-8.

Claims 4,12,20,28 rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling and Sashihara as applied to claim 1 above, and further in view of Gonzalez (us pat 6,725,278).

As regarding claim 4, Dowling and Sashihara discloses all limitations of claim 1, but the combination of Dowling and Sashihara does not disclose sending current time information expressing current time counted on the server machine to the client terminal device; correcting on the client terminal device time difference so as to agree a current time counted on the client terminal device with the current time counted on the server machine based on the current time information received from such server machine; executing a predetermined process on the server machine based on the current time

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counted thereon; and executing another predetermined process on the client terminal device in synchronization with the server machine based on the current time counted while being corrected for the time difference.

Gonzalez teaches sending current time information expressing current time counted on the server machine to the client terminal device (col.3, lines 10-67); correcting on the client terminal device time difference so as to agree a current time counted on the client terminal device with the current time counted on the server machine based on the current time information received from such server machine (col.3, lines 10-67); executing a predetermined process on the server machine based on the current time counted thereon (col.3, lines 10-67); and executing another predetermined process on the client terminal device in synchronization with the server machine based on the current time counted while being corrected for the time difference (col.3, lines 10-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Gonzalez to the method of Dowling-Sashihara to synchronize the client with the server, because by synchronize the clients with the server would help in maintaining the accuracy between the client and the server (see Gonzalez col.1, lines 18-24).

As regarding claims 12,20,28, the limitations are similar to claim 4, therefore rejected for the same rationales as claim 4.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner  
Duyen Doan  
Art unit 2143

  
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